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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,155	09/19/2003	Chris C. Zank	PECL-0009	7096

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EXAMINER

STORMER, RUSSELL D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/666,155	Applicant(s) ZANK ET AL.	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,9,11,13,14 and 19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,9,11,13,14 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

The “generally planar brim surface” of lines 27 and 28 of claim 1, and the “distal edge” that resides in a plane as set forth in line 39 of claim 1 are not described in the specification. These terms are also found in claim 11.

See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

Claim Objections

2. Claims 1 and 11 are objected to because of the following informalities:

The term “separable from” found in line 35 of claim 1 and line 36 of claim 11 is objected to as confusing as it appears that the limitation is claiming that the two elements are separable. It is believed that a term such as - -separate from- - or - -spaced from- - would be more appropriate and is what Applicants intended.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 3, 4, 9, 11, 13, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hume 2122064 in view of Hume 2036757 and Ende 3669500 (all previously cited).

Hume '064 discloses a wheel balancing weight comprising a clip and a weight body. As shown in figures 1-3, the body has an opening therethrough to receive a fastener 7 and the clip has a corresponding aperture and has a planar attaching section 9 and a gripping section 5. The weight body has a planar attaching surface which abuts the clip and an opposite, parallel planar brim surface which abuts the wheel rim. These two surfaces are joined by a pair of flat surfaces (at the top of the weight as shown in figure 3, and therefore does not include a curved surface. Also, the fastener is a single threaded screw and therefore might not be considered to have an interference fit with the weight body.

Hume '757 teaches the use of a pair of pins 13 to join a clip to a weight body as shown in figure 5. Although not specially stated in the description of the pins 13 (lines 23-25 of page 2) the pins 13 would inherently have to have a friction fit or interference fit with the weight body 10 in order to retain the clip against the weight and for the stud portion of the pin to remain in place in the weight body.

Ende teaches a wheel balance weight assembly in which the weight body has parallel opposed sides joined by a curved region which closely follows the contour of the wheel rim to which the weight is attached.

From the teachings of Hume '757 and Ende it would have obvious to those of ordinary skill in the art to substitute one or more pins or studs for the screws in the

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weight assembly of Hume '064 as an alternate means of securing the weight body to the clip as this interference fit has been shown to suitably join the two parts together.

Further, it would have been obvious to form the weight body of Hume '067 to have a curved surface joining the two parallel sides as this would allow the weight body to better conform to the shape of the rim to which it is attached.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3, 4, 9, 11, 13, 14, and 19 have been considered but are moot in view of the new ground of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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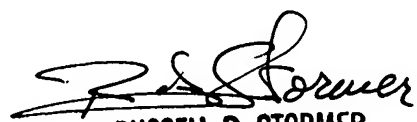
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/27/06


RUSSELL D. STORMER
PRIMARY EXAMINER 10/27/06